IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.36355-M of 2007
Date of Decision:- 28.8.2007

Gurmej Kaur ....Petitioner(s)

through
Mr.O.P.Kamboj, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J. (ORAL)

This order shall dispose of Crl.Misc.No.36355-M of 2007 and Crl.Misc.No.40892-M of 2007 as both these petitions under Section 439 Cr.P.C. have arisen out of F.I.R.No.22 dated 9.3.2007 under Sections 406/420 IPC and Section 24 of the Immigration Act, registered at Police Station Sadar Kapurthala, District Kapurthala.

Both the petitioners are wife and husband respectively.

As per the allegations contained in the F.I.R., a sum of Rs.3,50,000/- was allegedly paid to the petitioners by the complainant for sending his son abroad in March, 2003. It is claimed that neither his son was sent abroad nor the amount was returned to him.

On the other hand, it is contended on behalf of the petitioners that they have been falsely implicated as petitioner (Mohan Singh) had a money dispute with the brother-in-law of the complainant, namely,

Jarnail Singh.

The petitioners were arrested on 7.5.2007. Meanwhile, the investigation is complete; challan has been presented and charges have also been framed. However, it is not disputed by learned State counsel that the conclusion of trial will still take considerably long period.

No other such like case is registered or pending against the petitioners. There is also no denial to the fact that the alleged incident of duping the complainant had taken place in March, 2003 in relation to which the F.I.R. has been got registered in March, 2007 only. The prosecution/complainant are, thus, likely to be under heavy onus to explain the inordinate delay.

After hearing learned counsel for the parties and without expressing any views on the merits of the case lest it should prejudice either of them, these petitions are allowed. The petitioners are directed to be released on bail to the satisfaction of Chief Judicial Magistrate, Kapurthala.

August 28, 2007 **(SURYA KANT)**
poonam **JUDGE**